



General Assembly

January Session, 2015

## ***Amendment***

LCO No. 8063



Offered by:  
SEN. FASANO, 34<sup>th</sup> Dist.

To: Subst. Senate Bill No. 593

File No. 293

Cal. No. 226

(As Amended)

### ***"AN ACT CONCERNING SEVERE MENTAL AND EMOTIONAL IMPAIRMENT AND WORKERS' COMPENSATION COVERAGE."***

1 Strike section 2 in its entirety and substitute the following in lieu  
2 thereof:

3 "Sec. 2. Section 31-294j of the general statutes is repealed and the  
4 following is substituted in lieu thereof (*Effective October 1, 2015*):

5 (a) For the purpose of adjudication of claims for payment of benefits  
6 under the provisions of this chapter, a uniformed member of a paid  
7 municipal or volunteer fire department, a regular member of a paid  
8 municipal police department, a constable, as defined in section 31-294i,  
9 or a member of a volunteer ambulance service shall be eligible for such  
10 benefits for any disease arising out of and in the course of  
11 employment, including, but not limited to, hepatitis, meningococcal  
12 meningitis, tuberculosis, Kahler's Disease, non-Hodgkin's lymphoma,  
13 and prostate or testicular cancer that results in death or temporary or

14 permanent total or partial disability.

15 (b) (1) Notwithstanding any provisions of the general statutes, for  
16 the purpose of adjudication of claims for payment of benefits under  
17 the provisions of this chapter, a uniformed member of a paid fire  
18 department, a certified interior firefighter belonging to a volunteer fire  
19 department or a uniformed member of the Department of Emergency  
20 Services and Public Protection Fire and Explosion Unit assigned to  
21 investigate arson, shall be eligible for such benefits for the following  
22 types of cancers arising out of and in the course of employment:  
23 Kahler's Disease, non-Hodgkin's lymphoma or any condition of cancer  
24 affecting the brain, skin, digestive system, endocrine system,  
25 respiratory system, lymphatic system, reproductive system, urinary  
26 system or hematological system that results in death or temporary or  
27 permanent total or partial disability. Such cancer shall be presumed to  
28 have been suffered in the line of duty as a result of the inhalation,  
29 absorption or ingestion of noxious fumes or poisonous gases, unless  
30 the contrary be shown by a preponderance of the evidence, provided  
31 (A) such uniformed member of a paid fire department, certified  
32 interior firefighter belonging to a volunteer fire department or  
33 uniformed member of the Department of Emergency Services and  
34 Public Protection Fire and Explosion Unit assigned to investigate arson  
35 successfully passed a physical examination upon entry into such  
36 service, or subsequent to entry, as the case may be, that failed to reveal  
37 any evidence of such cancer, (B) (i) such uniformed member has  
38 worked for not less than five years at a paid fire department or the  
39 Department of Emergency Services and Public Protection Fire and  
40 Explosion Unit assigned to investigate arson, or (ii) such certified  
41 interior firefighter belonging to a volunteer fire department has  
42 worked for not less than fifteen years at such fire department, at the  
43 time such cancer is discovered, or should have been discovered, (C)  
44 such cancer is one that is known to result from exposure to heat,  
45 radiation or a known or suspected carcinogen as determined by the  
46 International Agency for Research on Cancer or the National  
47 Toxicology Program of the United States Department of Health and

48 Human Services, and (D) such uniformed member of a paid fire  
49 department, certified interior firefighter belonging to a volunteer fire  
50 department or uniformed member of the Department of Emergency  
51 Services and Public Protection Fire and Explosion Unit assigned to  
52 investigate arson has no family medical history or genetic makeup that  
53 tends to demonstrate that the individual was more likely than not to  
54 develop one of the types of cancers listed in this subdivision.

55 (2) Any individual who is no longer actively serving as a uniformed  
56 member of a paid fire department, a certified interior firefighter  
57 belonging to a volunteer fire department or a uniformed member of  
58 the Department of Emergency Services and Public Protection Fire and  
59 Explosion Unit assigned to investigate arson, but who otherwise  
60 would be eligible for such benefits pursuant to the provisions of  
61 subdivision (1) of this subsection, may apply for such benefits not  
62 more than five years from the date such individual last served with  
63 such paid fire department, volunteer fire department or the  
64 Department of Emergency Services and Public Protection Fire and  
65 Explosion Unit assigned to investigate arson.

66 (3) Any uniformed member of a paid fire department, certified  
67 interior firefighter belonging to a volunteer fire department or  
68 uniformed member of the Department of Emergency Services and  
69 Public Protection Fire and Explosion Unit assigned to investigate arson  
70 or individual applying for benefits pursuant to subdivision (1) or (2) of  
71 this subsection shall be required to submit to annual physical  
72 examinations as a condition of receiving such benefits, the results of  
73 which shall be reported to such paid fire department, volunteer fire  
74 department or the Department of Emergency Services and Public  
75 Protection Fire and Explosion Unit.

76 (4) No uniformed member of a paid fire department, certified  
77 interior firefighter belonging to a volunteer fire department or  
78 uniformed member of the Department of Emergency Services and  
79 Public Protection Fire and Explosion Unit assigned to investigate arson  
80 shall be eligible for such benefits pursuant to the provisions of

81 subdivision (1) of this subsection if it is proven that such uniformed  
82 member or certified interior firefighter has smoked any cigarettes, as  
83 defined in section 12-285, or otherwise used any tobacco products, as  
84 defined in section 12-330a, that are found to have caused such  
85 incapacity."